

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-CV-185-D

JEFFREY DAVID,)
Plaintiff,)
v.)
TIMOTHY FRANZ GEITHNER,)
Defendant.)

ORDER

On June 25, 2012, Jeffrey David (“plaintiff”), proceeding pro se, filed a default judgment against Timothy Franz Geithner (“defendant”) [D.E. 72]. The undersigned liberally construes plaintiff’s filing as a motion for entry of default under Rule 55(a) of the Federal Rules of Civil Procedure. See Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam); Hill v. Braxton, 277 F.3d 701, 707 (4th Cir. 2002). Rule 55(a) provides for entry of default against a party who “has failed to plead or otherwise defend.” See Fed. R. Civ. P. 55(a).

On May 2, 2012, plaintiff filed an affidavit of service of the summons and complaint on defendant [D.E. 68]. However, the docket does not reflect that plaintiff perfected service on defendant as required under Rule 4(i) of the Federal Rules of Civil Procedure. Therefore, the deadline for defendant to answer or respond to plaintiff's complaint has not expired. See Fed. R. Civ. P. 12(a)(2). Plaintiff's motion for entry of default is premature. Accordingly, plaintiff's motion for entry of default is DENIED [D.E. 72].

SO ORDERED. This 10th day of July, 2012.

Julie A. Richards
Julie A. Richards, Clerk of Court